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APPLICATION NO. 10/039,490		FILING DATE 10/26/2001		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO. 9748
				Makoto Takahashi	10416-15	
	30076	7590	07/02/2003			
		YSMAN	I MILLSTEIN F	EXAMINER		
	SUITE 711 1880 CENTU		· ·	NGUYEN, DUNG T		
	LOS ANGELES, CA 90067				ART UNIT	PAPER NUMBER
					2828	
				DATE MAILED: 07/02/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

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4) Claim(s) 1-3.5.6.8-12 and 14-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) 1-3.5-6.8-12.14-20 are subject to restriction and/or election requirement. PAPUL IP SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2800  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in Application No  3. See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-413) Paper No(s)			Application No.	Applicant(s)					
Dung (Michael) T Nguyen   2828  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _f MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _f MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified allow is less than thirty (30) days, are period period of the reply specified allow is less than thirty (30) days, are period period of the reply specified allow is less than thirty (30) days, are period of the reply specified allow is less than thirty (30) days, are period with a period for reply specified allow is less than thirty (30) days, are period in the statutory minimum of thirty (30) days, will be considered timely.  If the period for reply specified allow is less than thirty (30) days, are period in the statutory minimum of thirty (30) days, will be considered timely.  If the period for reply specified allow is less than thirty (30) days, are period of the communication, even if timely filed, may reduce any secure appear to the communication of the period of the communication.  Any reply reserved by the Office later than thirty and add the time mailing date of this communication, even if timely filed, may reduce any secure of the date of the communication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disp stition of Claims  4) Claim(s) is a displication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disp stition of Claims  4) Claim(s) is a displication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  PAUL IP  Claim(s) is are allowed.  Claim(s) is are allowed.  Claim(s)		(	10/039,490	TAKAHASHI, MAKOTO					
Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of ten may be a validate under the provisions of £ CFR 1.13(a). In no event, however, may a reply be timely filed  Extensions of ten may be a validate under the provisions of £ CFR 1.13(a). In no event, however, may a reply be timely filed  Extensions of ten may be a validate under the provisions of £ CFR 1.13(a). In no event, however, may a reply be timely filed  Extensions of ten may be a validate one; the mainting date of £ CFR 1.13(a). In no event, however, may a reply be timely filed  If his period for reply a specified shows to less him hilly (30) stays, a reply within the adultation point of the provision of the filed for the provision of the filed for the provision of the communication to become #86/H0ChED (95 U.S.C. \$ 133).  Filed the provision of the provision of the filed for reply vill. by statuto, period will apply and well explicitly (MONTH) from the mailing date of this communication.  Part of the statutory of the communication of the communication to explore the application to become #86/H0ChED (95 U.S.C. \$ 133).  Status  Provision is FINAL.  2bi This action is non-final.  3) Is not this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parts Quayle, 1935 C.D. 11, 453 O.G. 213.  Disp sition of Claims  4) Claim(s) 1/3.5.6.8.12 and 14-20 Is/are pending in the application.  5) Claim(s) 1/3.5.6.8.12 and 14-20 Is/are pending in the application.  5) Claim(s) 1/3.5.6.8.12 and 14-20 Is/are pending in the application.  5) Claim(s) 1/3.5.6.8.12 and 14-20 Is/are pending in the application.  6) Claim(s) 1/3.5.6.8.12 and 14-20 Is/are existed to the provision of the date of the above claim (s) 1/3.5.6.8.12 and 1/4.20 Is/are pending in the application.  6) Claim(s) 1/3.5.6.8.12 and 1/4.20 Is/are pending in the application in the date of the provision of the date of the pro	Office Action Su	ımmary	Examin r	Art Unit					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.35(a). In a event, however, may a reply be timely filed  Extensions of time may be available under the provisions of 37 CFR 1.35(a). In a event, however, may a reply be timely filed  Extensions of time may be available under the provisions of 37 CFR 1.35(a). In a event, however, may a reply be timely filed  Extensions of time may be available under the provisions of 37 CFR 1.35(a). In a event, however, may a reply be timely filed  Extensions of time may be available under the provisions of 37 CFR 1.35(a). In a event, however, may a reply be timely filed  Extension of the provision of the provision of 37 CFR 1.35(a). In a event, however, may a reply be timely filed  Extension of the provision of the provision of 37 CFR 1.35(a). In a event, however, may a reply be timely filed  Extension of the provision of the provision of 37 CFR 1.35(a). In a event, however, may a reply be timely filed  Extension of the provision of the provision of 37 CFR 1.35(a). In a event of 18 CFR 1.35(a). In a event of									
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be variable under the provision of 3 CPR 1.15(d). In no event, however, may a raply be timely filed offer SX (5) MONTHS from the mailing date of this communication.  **Provision of time may be variable under the provision of 3 CPR 1.15(d).  **Provision of time may be variable under the provision of the communication.  **Provision of the provision of time time the maining date of this communication.  **Provision of the provision of Claims  **Provision of Claims**  **Application of Claims**  4) Scilam(s) 1-3.5.6.8-12 and 14-20 is/are pending in the application.  4a) Of the above claim(s)									
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3	1) Responsive to commu	nication(s) filed on <u>02 J</u>	<u>une 2003</u> .						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disp sition of Claims  4)	2a)☐ This action is <b>FINAL</b> .	2b) <u></u> Thi	is action is non-final.						
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Application/Control Number: 10/039,490

Art Unit: 2828

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121, this application contains claims directed to the following patentably distinct species of the claimed invention. The inventions are distinct, each from the other because of the following reasons:
  - I. Figures 1-5 and 7-13 are drawn to a semiconductor laser classified in class 372, subclass 49.
  - II. Figure 6 is drawn to an evanescent optical head system classified in class 359, subclass 1+.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims generic to the species as set forth in Groups I and II above because the invention is drawn to a semiconductor laser device.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct,

applicant should submit evidence or identify such evidence now of record showing the species to

be obvious variants or clearly admit on the record that this is the case. In either instance, if the

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission

may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (703) 305-

7159. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 306-5511 for regular

communications and (703) 306-5511 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 306-3329.

Nguyen (Michael) Dung

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2800

Pare Ip

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